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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,163	02/15/2007	Richard Guliker	MULLE50.001APC	4644
20995 7590 12/01/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
STEITZ, RACHEL RUNNING				
ART UNIT		PAPER NUMBER		
3776				
NOTIFICATION DATE		DELIVERY MODE		
12/01/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
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### Office Action Summary

**Application No.**

10/578,163

**Applicant(s)**

GULIKER, RICHARD

**Examiner**

RACHEL R. STEITZ

**Art Unit**

3776

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 11-14 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 11-14 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/14/2010
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Species II in the reply filed on September 21, 2010 is acknowledged.
2. Claims 3 and 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 21, 2010.

***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the parallel hairs having "a bound end".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 11-14, 23-25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (US 5,979,462).

Regarding claim 1, Jones discloses a hair piece (i.e. hair appliance) for connection with basic hair comprising a plurality of hair bundles (36, 37, 38) comprising a number of parallel hairs, each hair bundle having a free and a bound end (column 2, lines 43-44), an elongated weaving band (10) comprising two elongated strips (16, 18), wherein each strip is connected to the bound end of one or more hair bundles, wherein each strip further comprises one or more weaving elements and wherein hairs of the one or more hair bundles are interconnected individually or in grips with the weaving elements of the strips (column 2, lines 42-50), connecting openings (column 2, lines 55-60) configured to accept basic hair, and connection elements (48, 50) connecting the two strips (see Figure 3).

Regarding claim 2, the connection openings are provided between the connection elements (see Figure 3).

Regarding claim 4, the connection openings are formed by free space which is present between the connected strips (see Figure 3; column 2, lines 55-60).

Regarding claim 11, the strips of the hair bundles are interconnected by means of connection elements (48, 50) provided transversely at regular distance (see Figure 3).

Regarding claim 12, upper sides of the strips are transversely abuttingly positioned with respect to each other (see Figure 3).

Regarding claim 13, two connection elements (48, 50) are repeatedly provided at a short distance with respect to each other (see Figure 3).

Regarding claim 14, the hair bundles comprise of small groups of hairs provided with interspaces having little or no hair (see Figure 3).

Regarding claim 23, the weaving elements are made from synthetic material (i.e. string).

Regarding claim 24, Jones discloses a hair piece comprising at least a first hair bundle (36) and a second hair bundle (38), each hair bundle comprising a number of parallel hairs (see Figure 5) and having a free end and a bound end (end attached to strip 16 and strip 18), the first and second hair bundles being attached to opposite edges of an elongated waving band (i.e. 10 hair appliance), the elongated waving band comprising one or more strips (16, 18), wherein the waving band is configured to fold over (i.e. the waving band is made from a string material and is hence capable of folding i.e. fold over the user's head) such that the free ends of all the hair bundles extend downward after hair piece installation (i.e. the hairs extend downward after it is installed on the user's head see Figure 5).

Regarding claim 25, the weaving band comprises two elongated strips (16, 18) joined by connection elements (48, 50).

Regarding claim 27, the weaving band comprises two parallel strips (16, 18) and connection openings for basic hair are provided between the two parallel strips (see Figure 3; column 2, lines 55-60).

***Allowable Subject Matter***

6. Claims 20-22 are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 2, 4, 11-14, 23-25, and 27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL R. STEITZ whose telephone number is

(571)272-1917. The examiner can normally be reached on Monday-Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rachel Running Steitz/  
Primary Examiner  
Art Unit 3776

11/22/2010